IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.6892 of 2004

Between:

S.Joel Raju, S/o.Sri S.James,
Age:50 yrs, Assistant Director of
Fisheries, Medak (On transfer) R/o.Medak.

..... PETITIONER

AND

1 The Principal Secretary to Govt.
Animal Husbandry, Dairy Development
and Fisheries (Fish.I) Department
Government of A.P.Secretariat, Hyderabad.
2 The Commissioner of Fisheries Government of A.P.
Mastya Bhavan 4th Lane, Shantinagar, Hyderabad.
3 P.A.Gaffoor, Assistant General Manager, A.P.Fishermen
Co-operative Society's Federation Ltd.,
Mastya Bhavan, 4th Lane, Shantinagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus pertaining to the impugned order issued by the Respondent No.1 in G.O.Rt. No.276 Animal Husbandry, Dairy Development and Fisheries Department dated 20-3-2004 and the consequential proceedings of the respondent No.2 issued in proceedings No.13086/A1/2003 dated 24-3-2004 transferring the petitioner from Medak to Hyderabad and the orders of the Hon'ble A.P. Administrative Tribunal dated 6-4-2004 passed in O.A.No.2231/2004 and declare the same as bad, illegal, arbitrary, unjust and

unconstitutional, besides being violative of directions issued by the Chief Election officer and State Election Commissioner and contrary to the executive instructions issued by the State Government from time to time including G.O.Ms.No.767 dated 21-8-2002 in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.GOVARDHANACHARY, Advocate

Counsel for the Respondent No.1:GP FOR SERVICES-I

Counsel for the Respondent No.2: GP FOR FISHERIES

The Court made the following Order: (per G.BIKSHAPATHY, J.)

This Writ Petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in O.A.No.2231 of 2004, dated 06-04-2004.

2. The petitioner is working as Assistant Director of Fisheries at Medak. While so, the impugned G.O.Rt.No.276, dated 20-03-2004 was issued directing the transfer of petitioner. In accordance with the said G.O., the Commissioner of Fisheries, Hyderabad transferred the petitioner and posted as Assistant General Manager in AFCOF, Hyderabad on deputation for an initial period of one year from the date of his joining at new station and the 3rd respondent was transferred as Assistant Director of Fisheries, Medak. The said order came to be challenged by the petitioner.

3. The Tribunal, after considering the entire material on record, dismissed the O.A. Against the said order, the present writ petition is filed.

4. Learned Counsel for the petitioner submits that the very order of transfer is wholly illegal and motivated. The post which was occupied

by the 3rd respondent in AFCOF, Hyderabad, was never intended to be operated on account of financial difficulties. In such a situation, it would be improper to transfer the petitioner from Medak to Hyderabad. He further submits that only to accommodate the 3rd respondent, the petitioner has been transferred to AFCOF, Hyderabad and the said transfer order is liable to be set aside.

5. We have heard the learned Government Pleader for Services-I.

6. It is not in dispute that the transfer orders came to be challenged by the petitioner on the ground that in order to accommodate the 3rd respondent, he is being shifted from Medak to Hyderabad. G.O.Rt.No.276, dated 20-03-2004 was issued in relaxation of the Rules made in G.O.Ms.No.767, dated 21-08-2002. On disciplinary grounds, the petitioner was sought to be transferred. Under these circumstances, the order of the Tribunal cannot be said to be illegal.

7. We are of the view that the order does not require interference. The Government in relaxation of G.O.Ms.No.767, dated 21-08-2002 transferred the petitioner and the explanation sought to be placed before the Tribunal is that it is covered by exemption in para (1) of the G.O.Ms.No.767, dated 21-08-2002. Thus, we do not find any merits in the Writ Petition.

8. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to make representation, if he wants to have a change of posting and the same shall be considered in accordance with the rules. No costs.

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28th June, 2004

usd

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary to Govt.
Animal Husbandry, Dairy Development
and Fisheries (Fish.I) Department
Government of A.P.Secretariat, Hyderabad.

2 The Commissioner of Fisheries Government of A.P.
Mastya Bhavan 4th Lane, Shantinagar, Hyderabad.

3 P.A.Gaffoor, Assistant General Manager, A.P.Fishermen
Co-operative Society's Federation Ltd.,
Mastya Bhavan, 4th Lane, Shantinagar, Hyderabad.

4 2CCs to G.P. for Fisheries, A.P. High Court Buildings,
Hyderabad (o.u.t)

5 2CCs to G.P. for Services-I, A.P. High Court Buildings,
Hyderabad (o.u.t)

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